

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	)	
	)	CASE NO: A05-0108 CR (JWS)
Plaintiff,	)	
	)	
	)	
v.	)	
	)	
ISAI HERNANDEZ	)	
	)	
Defendant.	)	
_____	)	

**MEMORANDUM OF LAW IN SUPPORT OF**  
**MOTION OF DEFENDANT TO REVEAL THE IDENTITY OF INFORMANT**

Defendant, Isai Hernandez has moved for this Court to reveal the identity of the government's informant or informants.

The Supreme Court has held that the government must disclose an informant's identity where the informant actively participated and/or was a percipient witness to the acts underlying the prosecution. ***Roviaro v. U.S.***, 353 U.S. 53 (1957); ***U.S. v. Ramirez-Rangel***, 103 F.3d 1501 (9<sup>th</sup> Cir. 1997); ***Devose v. Norris***, 53 F.3d 201 (8<sup>th</sup> Cir. 1995). It is believed that the informant or informants did actively participate and/or was a percipient witness to the acts underlying this prosecution.

Like many circuits, the Ninth Circuit has held that

the government must reveal the informant's identity if the defendant meets his burden of proving the disclosure would be helpful to his defense or essential to fair determination of the case. *U.S. v. Ramirez-Rangel*, *supra*; *U.S. v. Ordonez*, 737 F.2d 793 (9<sup>th</sup> Cir. 1984); *U.S. v. Rutheford*, 175 F.3d 899 (11<sup>th</sup> Cir. 1999); *U.S. v. Gordon*, 173 F.3d 761 (10<sup>th</sup> Cir. 1999); *U.S. v. Faichild*, 122 F. 3d 605 (8<sup>th</sup> Cir. 1997).

It is asserted that Mr. Hernandez has shown that the identity of the informant or informants should be revealed.

In conclusion, defendant Hernandez requests that the court order that the government reveal the identity of the informant or informants in this case.

DATED this 15<sup>th</sup> day of March, 2006.

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CERTIFICATE OF SERVICE

I certify that on the 15<sup>th</sup> day of March, 2006, a true copy of the foregoing was delivered by FAX to the following counsel:

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